

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEBRA NELSON *individually and on behalf  
of all persons similarly situated,*

Plaintiff,

17cv1202

ELECTRONICALLY FILED

v.

ALLEGHENY COUNTY, ORLANDO  
HARPER *Warden of the Allegheny County  
Jail,*

Defendants.

**ORDER OF COURT**

Before the Court is Defendants' Motion to Dismiss Plaintiffs' Amended Complaint and Brief in support of same. ECF 25 and ECF 26. The Brief argues that the Amended Complaint fails to assert a cause of action and, thus, should be dismissed under Federal Rule of Civil Procedure 12(b)(6).

Plaintiffs, in their Response to the Motion to Dismiss, countered with facts extrapolated from the Amended Complaint. ECF 38. Based upon the facts asserted in the Amended Complaint, all of which this Court must accept as true at this juncture of the legal proceedings, the Court hereby **DENIES** Defendants' Motion to Dismiss.

**SO ORDERED**, this 29<sup>th</sup> day of November, 2017.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All ECF Registered Counsel of Record